

ENTERED

November 20, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS**

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Daruin Anelby Rosario Case Number: 4:20-CR-00635-001

Name of Sentencing Judge: The Honorable Alfred H. Bennett

Date of Original Sentence: June 23, 2022

Original Offense: Count One: Conspiracy to steal and possess stolen mail, in violation of 18 U.S.C. §§ 371 and 1708; a Class D felony.

Count Two: Possession of stolen mail, in violation of 18 U.S.C. § 1708; a Class D felony

Original Sentence: 21 months custody of the U.S. Bureau of Prisons as to each of Counts 1 and 2, to run concurrently, for a total of 21 months; followed by a two-year term of supervised release as to each of Counts 1 and 2, to run concurrently, for a total of two years. Special Conditions: substance abuse treatment and testing, educational services program

Type of Supervision: Supervised Release Supervision Started: July 12, 2022

Assistant U.S. Attorney: Luis F. Batarse Defense Attorney: David B Adler

EARLIER COURT ACTION

None.

PETITIONING THE COURT

The issuance of a warrant and no bond be set, and that the issue of Supervised Release (Probation) be addressed by the U.S. District Court at the time of disposition of Criminal Case Number 4:23-MJ-02016-001.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

1 Failure to Participate as Directed in Drug/Alcohol Treatment Program (Standard Condition)

Daruin Rosario violated this condition of supervised release by failing to participate in drug treatment at New Hope Counseling, Houston, Texas, for the months of December 2022, January 2023, and February 2023.

On February 28, 2023, Daruin Rosario was unsuccessfully discharged from substance abuse treatment at New Hope Counseling.

2 Failure to Submit a Truthful and Complete Written Report as Directed (Standard Condition)

3 Failure to Report Change in Residence within 72 Hours (Standard Condition)

On or about July 5, 2023, Daruin Rosario submitted a Monthly Supervision Report and falsely reflected on it that he resided at 700 Cobia Drive Apt 514 Katy, Texas 77494, when in truth, he knew he was residing at a hotel located at 3200 W. Sam Houston Parkway S. Houston, Texas 77042 from June 30, 2023, to August 2, 2023.

Daruin Rosario failed to report his change of address to the U.S. Probation Office within in 72 hours.

4 Failure to Submit a Truthful and Complete Written Report as Directed (Standard Condition)

On or about August 7, 2023, Daruin Rosario submitted a Monthly Supervision Report and falsely reflected on it that he resided at 700 Cobia Drive Apt 514 Katy, Texas 77494, when in truth, he knew he was residing at a hotel located at 3200 W. Sam Houston Parkway S. Houston, Texas 77042.

5 Failure to Report Change in Residence within 72 Hours (Standard Condition)

On or about August 11, 2023, Daruin Rosario reported to the U.S. Probation Office as instructed and submitted a Monthly Supervision Report that reflected a new address of 6019 Blue Pansy St. Katy, Texas 77449, with a move in date of August 2, 2023. Daruin Rosario failed to report his change of address to the U.S. Probation Office within in 72 hours.

On the same date, Daruin Rosario stated he was living at a hotel located at 3200 W. Sam Houston Parkway S. Houston, Texas 77042 from June 30, 2023, to August 2, 2023; until he moved back with his girlfriend at 6019 Blue Pansy St. Katy, Texas 77449.

6 Illegal Possession of a Controlled Substance (Mandatory Condition)

7 Drug Possession, Usage, Distribution, or Administration (Standard Condition)

On or about October 3, 2023, Daruin Rosario possessed and used an opiate, a controlled substance not prescribed by a physician, as evidenced by a urine specimen submitted by him to U.S. Probation Office. On October 5, 2023, such specimen tested positive for opiates through laboratory analysis. The possession alleged above is a violation of 21 U.S.C. § 844.

On October 17, 2023, Daruin Rosario admitted verbally and in writing to taking a pain pill from his girlfriend due to pain in hand.

8 Failure to Follow U.S. Probation Officer's Instructions (Standard Condition)

9 Failure to Report to USPO as directed (Standard Condition)

On October 3, 2023, Daruin Rosario was instructed he would be participating in the "Makin It Work" Program at the U.S. Probation Office on October 11-14, 2023, and explained the program rules. On the same date, Daruin Rosario acknowledged understanding the program rules and requirements of the program as evidenced by his signature.

Daruin Rosario failed to report to the U.S. Probation Office on October 11, 2023, for the "Makin' It Work" program and was unsuccessfully discharged.

10 Law Violation: Theft or receipt of stolen mail matter (Mandatory Condition)

11 Law Violation: Keys or locks stolen or reproduced (Mandatory Condition)

Daruin Rosario violated these conditions of supervised release as evidenced by the criminal complaint filed in the United States District Court for the Southern District of Texas on October 19, 2023, under case no. 4:23-mj-2016, charging Daruin Rosario with Theft or receipt of stolen mail matter, in violation of 18 U.S.C. §1708, and Keys or locks stolen or reproduced, in violation of 18 U.S.C. § 1704.

Daruin Rosario was arrested on October 26, 2023, and appeared for his initial appearance before Magistrate Judge Dena Palermo. Mr. Rosario was temporarily detained pending his detention hearing scheduled for October 27, 2023.

On October 27, 2023, Waiver of Detention Hearing executed on the record before Magistrate Judge Dena Palermo and Daruin Rosario was ordered detained pending trial.

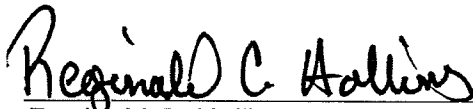
U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be
- ☒ revoked.
- ☐ extended for ____ years, for a total of ____ years.
- ☐ To modify the conditions of supervision as follows:

I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

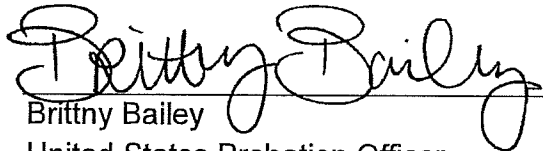
Approved:

Respectfully submitted,



Reginald C. Hollins, Supervising
United States Probation Officer

By:




Brittney Bailey
United States Probation Officer
November 13, 2023

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THE COURT ORDERS:

- ☐ No Action
- ☒ The Issuance of a Warrant, and no bond.
- ☐ The Issuance of a Warrant, and a bond of \$_____ cash/surety with supervision as directed by the Probation Officer as a condition of said bond.
- ☐ The Issuance of a Summons.
- ☐ Other:



Alfred H. Bennett
U. S. District Judge

NOV 20 2023

Date